

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TWANA ADAMS, et al., :

Plaintiffs, :

08 Civ. 5996 (VM) (AJP)

-against- :

ORDER

NEW YORK STATE EDUCATION
DEPARTMENT, et al., :

Defendants. :

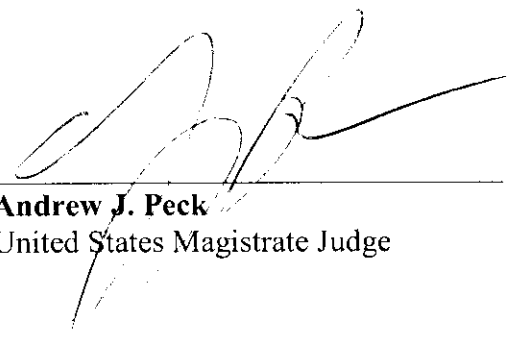
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ANDREW J. PECK, United States Magistrate Judge:

By Report and Recommendation dated February 9, 2009, I recommended that the Court dismiss the claims of two plaintiffs, Olga Batyreva and Alena Radtke-Gabriel, with prejudice. Today, I received a fax from Ms. Radtke-Gabriel voluntarily dismissing her case without prejudice (see attached letter). Accordingly, on consent, the Court dismisses Ms. Radtke-Gabriel's claims without prejudice.

My February 9, 2009 Report and Recommendation to dismiss plaintiff Olga Batyreva's claims with prejudice remains.

SO ORDERED.

Dated: New York, New York
February 10, 2009



Andrew J. Peck
United States Magistrate Judge

Copies to: All Pro Se Plaintiffs (via Email)
Blanche Greenfield, Esq. (Fax)
Karen Anne Dahlberg, Esq. (Fax)
Judge Victor Marrero

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____	X	
Twana Adams et al,	:	Civil Action #
	:	08-cv-5996 (VM)(AJP)
Plaintiffs	:	
v.	:	
	:	
New York State Education Department et al,	:	
	:	
Defendants.	:	
_____	X	

**Voluntary Dismissal Without Prejudice, pursuant to FRCP 41 (a) (1) (A) (i),
of Alena Radke Gabriel of the Allegations in the October 2008 Amended Complaint**

I hereby voluntarily dismiss the claims in the October 2008 Amended Complaint
in accordance with the terms of FRCP 41 (a)(1)(A)(i), and without prejudice, as against:
all Defendants, none of whom/which have filed answers and/or Motions for Summary
Judgment.

Dated: February 18, 2009

/s/ Alena Radke-Gabriel
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